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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,572	01/15/2001	Philippe Charas	51656-3USPX	2886
38065	7590	04/06/2005	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024				FERRIS, DERRICK W
		ART UNIT		PAPER NUMBER
		2663		

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/760,572	CHARAS, PHILIPPE
	Examiner	Art Unit
	Derrick W. Ferris	2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 and 13-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 October 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. This Office action is in response to applicant's paper filed 10/22/2004. **Claims 1-11, 13-17** as amended are still in consideration for this application. Applicant has amended claims 13, 14, 16, and 17. Applicant has canceled claim 12.
2. Examiner **withdraws** the claim objection(s). Examiner thanks applicant for making the necessary corrections.
3. Examiner **withdraws** the objections to the specification. Examiner thanks applicant again for making the necessary corrections.
4. Examiner **withdraws** the objections to the drawings. Examiner thanks applicant yet again for making the necessary corrections.
5. Examiner **withdraws** the anticipated and obviousness rejection using the *Peck* reference. Applicant's arguments have been fully considered and are persuasive. As such, please see the new rejections below. As the rejections below are new, the following rejection is made non-final.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-, 7-10, and 13-17** are rejected under 35 U.S.C. 102(b) as being anticipated by WO 98/09462 to *Ericsson et al.* ("Ericsson").

As to **claim 1**, see e.g., figure 1 where the mobile terminal is taught as mobile 26'.

As such, the mobile interfaces with at least two different networks, see e.g., satellite network 22 or terrestrial networks 14(1) and 14(2) and page 9, first full paragraph. See e.g., figure 3 which teaches at least two modems as Tx/Rs 56(1) – 56(n) and bottom of page 11. The policy enforcement point is taught as either the common or uncommon data stored in either the SIM card 46 or (internal) data storage 60. In particular, see e.g., figure 2 which teaches storing policy type information as either uncommon 52 or common 50 information for at least two networks, see e.g., page 11 first full paragraph.

As to **claim 7**, the policy enforcement engine is the processing unit and the policy repository is either the internal or external storage.

As to **claim 8**, certain information is updated thus teaching updating information from a policy definition point, see e.g., bottom of page 18.

As to **claim 9**, see the directory structure taught e.g., in figure 2. In particular, the structure is hierarchical since the data is stored as either common or uncommon and non-hierarchical since the data is stored based on the type of network. In addition, see Table 1 on pages 14-16 with respect to further structure.

As to **claim 10**, since the information is run on a computer, the policy repository and policy enforcement engine are implemented in software.

As to **claim 13**, see similar rejection to claim 1. In addition, see e.g., figure 4b with respect to authentication and authorization. In particular, figure 4b further teaches negotiating and requesting access to at least one of the blocks if authentication is needed 134. In addition, the credentials are e.g., Kc and CKSN in block 140.

As to **claim 14**, see similar rejection to claim 1.

As to **claim 15**, see similar rejection to claim 1.

As to **claim 16**, see similar rejection to claim 13. With respect to collecting accounting information, see e.g., the fields in Table 1 on pages 14-16.

As to **claim 17**, see e.g., the fields in Table 1 on pages 14-16.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2, 4 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/09462 to *Ericsson et al.* (“*Ericsson*”) in view of U.S. Patent No. 5,946,634 to *Korpela et al.* (“*Korpela*”).

As to **claim 2**, *Ericsson* discloses limitations in the base claim.

Ericsson is silent or deficient to the further limitation wherein the mobile terminal includes a layer 2 switch and a layer 3 switch router connecting data flows from at least one of the two modems with at least one of the user applications.

Korpela teaches the further recited limitation above at e.g., figure 6.

The proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Ericsson* to include the above limitation at issue.

As such, examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the above limitation. In particular, the motivation for modifying the reference or to combine the reference teachings would be to communicate with a network such as a GSM network 30a or a B-ISDN network 30b. In particular, *Korpela* cures the above-cited deficiency by providing a motivation found at e.g., figure 6 and column 5, lines 22-63. In particular, note that the user application handles the network layer such as for mobility management or radio bearer control which runs on top of layer 2. Second, there would be a reasonable expectation of success since both references teach using a mobile phone to communicate on different networks. Thus the references either in singular or in combination teach the above claim limitation(s).

As such to **claim 4**, see similar rejection to claim 2 where the flows are based on properties at the network layer, see e.g., column 5, lines 22-63 of *Korpela*.

As such to **claim 11**, *Ericsson* discloses limitations in the base claim. *Ericsson* is silent or deficient to the further limitation wherein the at least two modems are implemented as interchangeable modules.

Korpela teaches the further recited limitation above at e.g., column 2, lines 50-54. The proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Ericsson* to include the above limitation at issue by e.g., substituting a new memory component which is well known in the art.

As such, examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the above limitation. In particular, the motivation for modifying the reference or to combine the reference teachings would be to

communicate with a network such as a GSM network 30a or a B-ISDN network 30b. In particular, *Korpela* cures the above-cited deficiency by providing a motivation found at e.g., at column 2, lines 50-58. In particular, layers 1 and 2 are implemented in software and are thus motivated to be interchangeable for switching networks. Second, there would be a reasonable expectation of success since both references teach using a mobile phone to communicate on different networks. Thus the references either in singular or in combination teach the above claim limitation(s).

10. **Claims 5 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/09462 to *Ericsson et al.* (“*Ericsson*”) in view of U.S. Patent No. 6,675,015 B1 to *Martini et al.* (“*Martini*”).

As such to **claim 5**, *Ericsson* discloses limitations in the base claim.

Ericsson is silent or deficient to the further limitation wherein the mobile terminal includes means for acting as a bridge to one of the at least two mutually heterogeneous networks for a second mobile terminal to access one of said at least two mutually heterogeneous networks.

Martini teaches the further recited limitation above at e.g., in figure 1 and column 8, lines 59-60.

The proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Ericsson* to clarify that the above limitation is well known in the art with respect to Bluetooth.

As such, examiner notes that it would have been obvious to one skilled in the art prior to applicant’s invention to include the above limitation. In particular, the motivation

for modifying the reference or to combine the reference teachings would be to communicate with different base stations. In particular, *Korpela* cures the above-cited deficiency by providing a motivation found at e.g., figure 8 and column 5, lines 59-60. In particular, it is known in the art that one mobile terminal can communicate with another Bluetooth mobile terminal because Bluetooth allows for short range communication amongst multiple Bluetooth devices. Therefore one Bluetooth mobile may communicate with another Bluetooth mobile where the second device acts as a bridge to communicate with one of the heterogeneous networks as described by *Ericsson*. Second, there would be a reasonable expectation of success since both references teach using a mobile phone to communicate on different networks. Thus the references either in singular or in combination teach the above claim limitation(s).

As such to **claim 6**, see similar rejection to claim 5.

11. **Claims 3 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/09462 to *Ericsson et al.* ("Ericsson") in view of GB 2,292,653 A to *Poole*.

As such to **claim 3**, *Ericsson* discloses limitations in the base claim.

Ericsson is silent or deficient to the further limitation wherein the mobile terminal is arranged for handing over a session from one of the mutually heterogeneous networks to another, by re-routing the data flow within the mobile terminal from one of the at least two modems to another.

Poole teaches the further recited limitation above at e.g., page 3, lines 17-31.

The proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Ericsson* to clarify handovers between

different networks is well known in the art due to roaming such that the above limitation at issue would have been obvious.

As such, examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the above limitation. In particular, the motivation for modifying the reference or to combine the reference teachings would be to communicate with different networks. In particular, *Poole* cures the above-cited deficiency by providing a motivation found at e.g., page 3, lines 17-31. In addition, although *Poole* teaches a second network as AMPS, other types of networks such as the ones taught by *Ericsson* can also be used. Second, there would be a reasonable expectation of success since both references teach using a mobile phone to communicate on different networks. Thus the references either in singular or in combination teach the above claim limitation(s).

As such to **claim 11**, *Ericsson* discloses limitations in the base claim.

Ericsson is silent or deficient to the further limitation wherein the at least two modems are implemented as interchangeable modules.

Poole teaches the further recited limitation above at e.g., page 3, lines 17-31.

The proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Ericsson* to include the above limitation at issue by e.g., substituting a new memory component which is well known in the art.

As such, examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the above limitation. In particular, the motivation for modifying the reference or to combine the reference teachings would be to

communicate with a network such as a GSM network 30a or a B-ISDN network 30b. In particular, *Poole* cures the above-cited deficiency by providing a motivation found at e.g., page 3, lines 17-31. In particular, layers 1 and 2 are implemented in software and are thus motivated to be interchangeable for switching networks. Second, there would be a reasonable expectation of success since both references teach using a mobile phone to communicate on different networks. Thus the references either in singular or in combination teach the above claim limitation(s).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663

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DWF



Derrick W. Fenis
4/1/2005